

### **REMARKS**

The present invention relates to a novel protein belonging to the TNF superfamily termed "TRANCE" and nucleic acids encoding the same.

Claims 1, 2, 9-17 and 19-86 are pending in the present application. Claims 9-15, 26, 28-36 and 38-86 have been previously withdrawn from consideration as being drawn to a non-elected invention. Claims 9-15, 18 and 25-86 have been canceled herein without prejudice to the inclusion of the subject matter contained therein in any later filed continuation and/or divisional application(s). Claims 22 and 23 have been amended to recite an "isolated" cell per the Examiner's suggestion.

Applicants acknowledge the allowability of claims 1, 2, 16, 17, 19-21 and 24 allowable in the present Office Action dated April 1, 2005. This Amendment serves to address the rejection to claims 22, 23, 25, 27 and 37.

#### **Rejection of claims 22 and 23 pursuant to 35 U.S.C. §101**

The Examiner has rejected claims 22 and 23 under 35 U.S.C. § 101 because she contends that the claimed invention encompasses a cell as it occurs in nature and therefore is directed to non-statutory subject matter. Applicants have amended claims 22 and 23 to recite an "isolated cell" thereby rendering this rejection moot.

#### **Rejection of claims 25, 27 and 37 under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 25, 27 and 37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,242,213 (the '213 patent) and U.S. Patent No. 5,843,678 (the '678 patent). Claims 25, 27 and 37 have been canceled herein without prejudice to the inclusion of the subject matter contained therein in any later filed continuation and/or divisional application(s) thereby rendering this rejection moot.

Summary

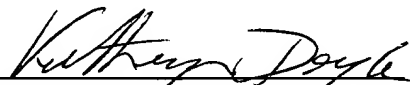
Applicants respectfully submit that each rejection of the Examiner to the claims of the present application has been overcome or is now inapplicable, and that claims 1, 2, 16, 17, 19-24 are in condition for allowance. Applicants further submit that no new matter has been added by way of the present amendment. Reconsideration and allowance of these claims is respectfully requested at the earliest possible date.

Respectfully submitted,

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(Date)

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Enclosures: Petition for extension of time  
Courtesy copy of the Revocation

